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Chairman:	Mr. Wolfe	(Jamaica)
later:	Mr. Ashiki (Vice-Chairman)	(Japan)
later:	Mr. Wolfe	(Jamaica)

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The meeting was called to order at 3.10 p.m.

Agenda item 68: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/62/306)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/62/375 and A/62/480)

Agenda item 69: Right of peoples to self-determination (*continued*) (A/62/184 and A/62/301)

1. **Mr. Gregoire** (Dominica), speaking on behalf of the Caribbean Community (CARICOM), said that the Community aligned itself with the statement made by the representative of Pakistan on behalf of the Group of 77 and China. Recalling that in March 2007 CARICOM had commemorated the two-hundredth anniversary of the abolition of the transatlantic slave trade, which had put an end to the inhumane treatment suffered for more than three centuries by Africans transported to the Americas, he reiterated to the international community the call for the speedy implementation of the Durban Declaration, which had pronounced slavery a crime against humanity, and the related Programme of Action. The transatlantic slave trade had been replaced by various forms of colonialism and thus by dependency relationships that still existed. CARICOM remained convinced that it was only by obtaining reparations that its members might heal their historical wounds. CARICOM intended to erect in the halls of the United Nations a permanent memorial to the victims of the transatlantic slave trade in order that the tragedy, which had not been sufficiently recognized, should never be forgotten. His delegation expressed its gratitude to the delegations that supported the project, especially in the form of financial contributions, and looked forward to the full cooperation of all Member States.

2. Trade in human beings lay at the root of the racism and racial discrimination that still existed, and it was disturbing to witness a recrudescence of those scourges several years after the Durban Conference. A Nobel Prize-winner in science, for example, had espoused the idea of racial inferiority of Africans, a position that the Federation of American Scientists had qualified as racist, vicious and unsupported by science, since the economic and other inequalities experienced by Africans and their descendants were explained not by genetics but rather by the pillage of their resources. Also disturbing was the emergence of racist and xenophobic political ideas that were gaining democratic legitimacy, particularly in Europe, through the manipulation of identity and security issues.

3. CARICOM supported the many international initiatives for combating racism, racial discrimination and religious intolerance. It applauded the fact that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had focused his work on the resurgence of racist and xenophobic violence committed against members of ethnic, religious or cultural communities or minorities; the criminalization of immigrants and the exclusively security-based approach to immigration; the general increase in the defamation of religions; the rejection of cultural diversity; and the often violent manifestations of racism in sports. It also approved the important recommendations made by the Special Rapporteur, including the recommendation that Member States should carefully balance freedom of expression and freedom of religion, with particular reference to the International Covenant on Civil and Political Rights, and adopt legal, political and administrative measures to ensure the observance and complementarity of the rights set out in the relevant international legal instruments.

4. Also to be commended was the role played by the Special Rapporteur, the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in combating racism and racial discrimination, as was the work of the Preparatory Committee for the Durban Review Conference, to which CARICOM looked forward to contributing in 2009. At the regional level the Community took note of the convening of the Regional Conference of the Americas on Progress and Challenges in the Programme of Action against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Brasilia in 2006, and called for enhancement of the participation of the hemisphere's subregions and greater representation of its linguistic diversity. CARICOM was pleased, moreover, with the organization of regional consultations aimed primarily at institutionalizing the links between Africa and the Caribbean, as had been the case in Barbados in July 2007.

5. CARICOM reiterated its support for national, regional and global initiatives in the fight against racism, racial discrimination, xenophobia and related intolerance, for the objectives of tolerance, peace and prosperity would be achieved only if the international community worked together with the General Assembly, the Committee on the Elimination of Racial Discrimination and the Human Rights Council.

6. **Mr. Chidyausiku** (Zimbabwe), speaking on behalf of the Southern African Development Community (SADC), associated himself with the statement made by the representative of Pakistan. As victims until recently of racism and racial discrimination, the SADC member States were determined to eradicate that scourge. They were troubled, however, by the retreat in the struggle against racism, racial discrimination and xenophobia and the evaporation of the optimism that had attended the adoption of the Durban Declaration and Programme of Action, especially since the Durban Review Conference was to be held shortly.

7. The SADC countries had, individually and collectively, embraced the initiative by CARICOM to commemorate the two-hundredth anniversary of the abolition of the transatlantic slave trade and supported the observation by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance that it was futile to dispute the characterization of the transatlantic slave trade as a crime against humanity and the source of the construct of anti-black racism. The Special Rapporteur had also highlighted the importance of history in eradicating the root causes of racism, xenophobia and religious intolerance. Most SADC members had signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination and had put in place appropriate legislation to comply with its provisions. Those members of the international community that had not yet done so should follow their example, bearing in mind that the target year of 2005 for universal ratification was long past.

8. The SADC countries were concerned that African and Asian migrants and refugees in Western countries were the daily victims of racial discrimination in such areas as employment, housing, health and education. They welcomed the recent initiatives by the Secretary-General and his special representatives to stamp out the growing manifestations of racism in sport, as evidenced on the occasion of the 2006 football World Cup. With South Africa preparing to host the next World Cup, the SADC countries supported the enhancement of such initiatives and urged the Fédération Internationale de Football Association (FIFA) to eliminate racism in football.

9. The SADC countries welcomed the General Assembly's decision in resolution 61/149 to convene the Durban Review Conference in 2009, were satisfied with the preparations for the Conference and encouraged the Secretary-General to provide financial support for it. In conclusion, he pledged the SADC countries' commitment to the full implementation of the Durban Declaration and Programme of Action as the only workable means of eradicating racism, racial discrimination and xenophobia forever.

10. **Ms. Joseph** (Saint Lucia), noting the importance attached to the right of peoples to self-determination in United Nations instruments, including the Charter of the United Nations and the relevant General Assembly resolutions, said that the principle of self-determination also underpinned the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the Universal Declaration of Human Rights, as well as the Declaration on the Granting of Independence to Colonial Countries and Peoples for the remaining small island Non-Self-Governing Territories. Even as the General Assembly continually reaffirmed the fundamental right of peoples to self-determination, the realization of that right continued to elude the people of those Territories, despite the proclamation by the General Assembly of the First and Second International Decades for the Eradication of Colonialism and the adoption of an extensive plan of action. The United Nations system had not followed through on the Plan of Implementation of the Decolonization Mandate endorsed by the General Assembly in resolution 61/130, yet it was only through the implementation of that mandate that the process of self-determination for the remaining small island Non-Self-Governing Territories would be achieved.

11. The Special Committee on Decolonization and the Fourth Committee had historically been responsible for carrying out that mandate, but the entire United Nations system had a responsibility to foster the self-determination process. Thus, the issue was well within the purview of the Third Committee, which should examine it in greater depth, given that the reports of

the Human Rights Committee, the Permanent Forum on Indigenous Issues and the Committee on the Elimination of Racial Discrimination were official documents before it.

12. Lastly, recalling the statement made the previous month on behalf of CARICOM in the Fourth Committee, she joined with other delegations in advocating that the necessary measures should be taken to ensure that the peoples of the Non-Self-Governing Territories had a legitimate chance to exercise their right to self-determination. For that process to succeed, the issue must be addressed in earnest in all relevant General Assembly committees and subsidiary bodies where human rights questions were considered.

13. **Mr. Saeed** (Sudan) associated himself with the statement made by the representative of Pakistan. The Secretary-General's reports on the follow-up by States to the Durban Declaration and Programme of Action showed how much progress had been made in that area and also demonstrated that efforts must be redoubled in order to put an end to all contemporary manifestations of racism and racial discrimination, which were becoming increasingly widespread and assuming new forms, threatening the social fabric and kindling hatred and discrimination. He welcomed the convening of the Durban Review Conference and commended the efforts of its Preparatory Committee.

14. In his report, the Special Rapporteur on racism described new forms of racism and racial discrimination and the practices of some political parties that had incorporated racial discrimination into their political platforms. New forms of racism were becoming widespread in sport, which was supposed to be a place for coexistence and rapprochement among peoples. Discrimination against immigrants was also cause for concern: they were being completely excluded from political, economic and social participation and were victims of extremist groups that advocated their annihilation and the denial of their rights. Muslim communities had been victims of racial discrimination in Western countries since the events of 11 September 2001. Any attempt to identify Islam with terrorism must be rejected, reflecting as it did a superficial view of a religion that was based on the values of tolerance, brotherhood and peace among humankind. Such attitudes, which simply increased tensions and encouraged negative behaviour, must be overcome, especially since Muslims played an active, responsible role in the cultural, social, political and economic life of Western host countries. His delegation believed that, instead of imposing a single model, countries should seek to increase dialogue between cultures, civilizations and religions. The Sudan's interim Constitution expressly defined the rights and duties of citizens without discrimination and guaranteed equal rights for all, in accordance with international and regional instruments, emphasizing coexistence in a harmonious and development-oriented society.

15. His delegation associated itself with the African Union's position on the right of peoples to self-determination and reaffirmed its attachment to that right, in accordance with the Charter of the United Nations and international human rights instruments, while emphasizing that it could not be interpreted as encouraging threats to the unity, sovereignty and territorial integrity of States or interference in their internal affairs. Any misinterpretation of that right could give rise to conflict, thereby jeopardizing regional and international peace and security.

16. His delegation urged the international community to give due attention to the Occupied Palestinian Territory, where Palestinians were victims of repression and killings by the Israeli occupying Power. It was essential to implement the relevant United Nations resolutions so that the Palestinian people could exercise its right to self-determination and realize its just and legitimate aspirations in an independent State, with Al-Quds Al-Sharif as its capital.

17. **Mr. Llanos** (Chile), recalling that racism, racial discrimination, xenophobia and related intolerance were universal phenomena, said that all the States of the international community should combat them through policies to prevent and eradicate both active and passive forms of racism and intolerance. The Regional Conference of the Americas, held in Chile in December 2000 in preparation for the Durban Conference, had given the participants an opportunity to demonstrate historical objectivity, an analytical spirit and political will to make strides towards a more humane, egalitarian and tolerant society. Chile, prompted by a desire to help combat racism and discrimination, had chaired the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, but had subsequently resigned because of the Group's inability to work on the basis of consensus, which was the only means of making constructive progress in combating

the worldwide scourge of racism. Accordingly, the participants in the forthcoming Durban Review Conference should take more decisive steps forward. For the moment, his delegation's main concern was that they should produce an honest assessment of the implementation of the commitments and recommendations they had adopted in Durban in 2001, and that they should endeavour, in a spirit of cooperation, to address outstanding issues.

18. Since Chile's return to democracy in 1990, the State had striven to institutionalize initiatives to combat racism, racial discrimination, xenophobia and related intolerance and to draw up an integrated policy on the subject, with input from civil society. The Administration of Chile's President Bachelet, who had been elected in 2006, had upgraded the existing Tolerance and Non-Discrimination Programme of the Office of the Minister-Secretary-General of Government, turning it into the Department for Diversity and Non-Discrimination. That action demonstrated that the State attached growing importance to those issues and that it wished to promote respect for diversity and non-discrimination by raising public awareness and increasing public involvement in that regard.

19. **Mr. Bek** Bum-hym (Republic of Korea) reaffirmed his country's commitment to the fight against racism, racial discrimination, xenophobia and related intolerance and to the implementation and follow-up of the Durban Declaration and Programme of Action. Racism and intolerance had long been used as instruments of discrimination and exploitation, and must be opposed jointly by all the countries of the international community. The Durban review process had created high expectations, which countries must meet through innovative approaches. The Republic of Korea was focusing its efforts on the full implementation of agreed principles and operational recommendations. Of particular concern was the alarming increase in the use of the Internet to spread racial hatred; his delegation called on Member States to intensify their monitoring efforts in that regard.

20. Revitalized multilateralism was critical for addressing the root causes of racism, and the United Nations was the best vehicle for that process. A multifaceted approach should be taken, combining the adoption of new laws with the amendment and implementation of existing ones. Although freedom of religion and belief were protected under the relevant provisions of international human rights law, the United Nations and the world community should not remain silent with respect to the escalation of religious defamation into conflicts between cultures. The Republic of Korea called on religious leaders of all denominations to use their influence to prevent religious defamation, and would like the Special Rapporteur to recommend that proposal to the international community. The Republic of Korea appreciated the favourable comments recently addressed to it by the Committee on the Elimination of Racial Discrimination, and reiterated its determination to make every effort to combat racism at the national, regional and international levels.

21. **Ms. Zhang** Dan (China), also associating her delegation with the statement made by the representative of Pakistan, said that racism was a serious human rights violation that should be combated by the international community. She was pleased that the United Nations had organized several world conferences and other initiatives to combat that scourge, including the Durban Declaration and Programme of Action. China supported the General Assembly's decision to review the implementation of the Durban agreements, and called on all parties to participate actively in that process. She appealed to the international community to demonstrate courage and determination by taking urgent and effective measures to eliminate racism. That would be a complicated process requiring not only efforts by individual States but also cooperation among the members of the international community, especially to provide financial and technical assistance to developing countries.

22. The right to self-determination was an inalienable right which the international community should protect and promote by facilitating the advancement of peace, development and respect for human rights. The Chinese delegation supported the Palestinian people's right to self-determination and hoped that the international community would play a more active role in seeking a fair solution that would bring lasting peace to the Middle East.

23. **Mr. Abdelaziz** (Egypt) said that his delegation associated itself with the statement made by the representative of Pakistan. Despite the international community's efforts to implement the international instruments in force against racism and racial discrimination, as well as the Durban Declaration and

Programme of Action, there were alarming signs of an increase in those scourges and, particularly, in new forms of xenophobia in established democracies, whose Governments were increasingly retreating from efforts to combat them. Equally alarming was the tendency to conflate the fight against terrorism with unjustified discrimination against certain individuals and groups by reason of their ethnicity or religion; the international community should join forces to eliminate those phenomena.

24. The Egyptian delegation supported the approach proposed by the Secretary-General, in which the Human Rights Council was responsible for elaborating complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination and for continuing the preparations for the 2009 Durban Review Conference. In addition, new strategies should be formulated and implemented so that the international community could combat the growth of discrimination based on race, religion or language, particularly in developed countries.

25. **Mr. Alakhder** (Libyan Arab Jamahiriya) said that his country supported the statement made by the representative of Pakistan and that it welcomed the Secretary-General's reports on the two agenda items under consideration. The Durban Declaration and Programme of Action represented a major step forward in efforts to combat racism, but that phenomenon nonetheless continued to grow. The Libyan Arab Jamahiriya condemned religious defamation, particularly in view of certain acts targeting the Muslim religion in recent years, as well as the incidents that had occurred in the wake of the tragic attacks of 11 September 2001. Islam and Muslims had been identified with terrorism and, in the West, had become the targets of a virulent campaign that had paved the way for extreme right-wing movements that spewed venom in the form of destructive, xenophobic ideas, which were relayed by the media and exploited to promote hatred of Muslims. The religious symbols of Islam had been denigrated on the pretext of freedom of expression, in flagrant violation of all the internationally agreed covenants, instruments and ethical principles specifying that such freedom could not be used to incite hatred of others on the basis of so-called ethnic and cultural supremacy. All those factors were apt to fuel the clash of cultures and civilizations instead of fostering dialogue based on mutual respect and understanding. In that connection, the Libyan delegation welcomed the declaration adopted the preceding year by the General Assembly.

26. In May 1989 the Libyan Arab Jamahiriya had acceded to the Supplementary Convention on the Abolition of Slavery; it viewed slavery and human trafficking as heinous offences against the human person and human freedom. Accordingly, it had fully supported the General Assembly's adoption of resolution 61/19 concerning the commemoration of the two-hundredth anniversary of the abolition of the transatlantic slave trade, to preserve the memory of slavery's millions of victims. It was also a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, and was of the view that recourse to private companies for military operations was a new form of exploitation which the international community should oppose as soon as possible by encouraging States to accede to the Convention and by prohibiting and penalizing the use of such companies in invasions or occupations. In addition, the Libyan Arab Jamahiriya had acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and once again expressed its deep concern at the intensification of the racial discrimination and ill-treatment suffered by refugees and migrant workers in a number of developed countries. It urged the international community to implement all the relevant United Nations resolutions and agreements.

27. The Libyan Arab Jamahiriya supported the right of peoples to self-determination and to the control of their resources, in accordance with the relevant international instruments, but felt that that right should be limited to peoples living under the yoke of foreign occupation. The Libyan delegation expressed its Government's deep concern about the suffering of the Palestinian people in the occupied territories, where they were victims of repression, discrimination and massacres and saw their homes destroyed, their land confiscated and their identity obliterated, as the Israeli occupiers continued their expansion by building the racial segregation wall, even though the international community had repeatedly called on them to respect United Nations resolutions and international instruments. The Palestinian people must be able to build their own independent State, exercise sovereignty over their land and recover all the rights of which they had been deprived.

28. In conclusion, he expressed the hope that the world's peoples could come together through a constructive dialogue based on the rejection of all forms of racism and racial discrimination so that love, peace and harmony could reign throughout the world.

29. **Ms. Hoosen** (South Africa), noting that her country associated itself with the statements presented by Pakistan on behalf of the Group of 77 and China and by Zimbabwe on behalf of the Southern African Development Community, said that South Africa was alarmed by the emergence of racist and xenophobic platforms. South Africa believed that States could not justify such platforms by invoking the right to freedom of opinion and expression, since they clearly violated international instruments relating to civil and political rights or the elimination of discrimination. There was thus much that needed to be accomplished in order to implement the Durban Declaration and Programme of Action.

30. In the 13 years of its democratic regime, South Africa had made tangible progress in eliminating the heritage of colonialism and apartheid. The country had drawn up an enlightened constitution, and Parliament had enacted a series of laws enshrining enjoyment of the new rights, in particular in the domains of employment and access to information. Additionally, the Government had taken various measures to combat contemporary forms of racism, thus implementing the Durban Declaration and Programme of Action. In that regard, South Africa was pleased that the General Assembly had decided to call a conference to review the progress made in that area and noted that the Preparatory Committee for the Durban Review Conference had recently adopted a number of important decisions. South Africa also stressed the need for non-governmental organizations to be involved in the lead-up to the Conference, and for the Conference and the work in preparation for it to be provided with the requisite funding. Member States must intensify their efforts to implement the commitments made at the World Conference against Racism, since the aims of the Conference would only be achieved through enhanced political will and a meaningful international partnership.

31. **Ms. Abdelhady-Nasser** (Observer for Palestine), referring briefly to the activities carried out by the United Nations to advance the right of peoples to self-determination, and stressing that unfortunately the Palestinian people were still struggling to realize that right, recalled that the Israeli occupation had lasted 40 years and that in 2008, 60 years would have gone by since Al-Naqba. With every passing year, the injustices imposed on the Palestinian people mounted. In addition to the right to self-determination, there had been violations of the rights to liberty and security of person, to education, to property and to development. The Israeli occupation, the colonial nature of which had become undeniable, had taken the form of systematic violations of a large number of the individual and collective rights of the Palestinian people. A particular example was the totally illegal annexation of ever greater areas of Palestinian territory and their occupation by Israeli settlers (more than 450,000, according to the latest figures). The construction of the wall continued unabated, with all of its harmful consequences for the integrity of the Palestinian territory, its economy and the daily life of the walled-in populations. By severely fragmenting the Palestinian territory, the illegal settlements and the wall were making it virtually impossible to achieve the two-State solution to the conflict and the genuine enjoyment by the Palestinian people of their right to self-determination.

32. The international community must act to make a reality of the right of the Palestinian people to self-determination and independence, which was essential to the establishment of a comprehensive, permanent and lasting peace in the Middle East. The Palestinian delegation would be submitting a draft resolution on the right of the Palestinian people to self-determination and hoped fervently that the Member States would send a strong message of solidarity towards the Palestinian people by adopting it by consensus.

33. **Ms. Abdelhak** (Algeria), associating herself with the statement made by the representative of Pakistan, said that despite the international instruments to combat racism, racial discrimination and xenophobia, there was evidence of a weakening of the fight against racism and the emergence of new forms of discrimination, such as Islamophobia, that constituted a threat to democratic progress and respect for difference, which were indispensable in increasingly multicultural societies. The Algerian delegation was pleased to observe that the mechanisms of the United Nations continued to exert themselves in the struggle to eliminate racial discrimination and that the Human Rights Council had decided to incorporate the issue into its programme of work. Further, Algeria supported

the work of the Preparatory Committee for the Durban Review Conference.

34. The right to self-determination, enshrined in a number of international instruments and in particular in General Assembly resolution 1514 (XV), had made it possible for most of the peoples represented at the United Nations to become free; now, that same right should allow the peoples of the last Non-Self-Governing Territories listed by the United Nations, including the Palestinians and the Sahrawi people, to take their rightful place within the international community. In a legitimate hope of being able to exercise that right, the people of Western Sahara had always looked to the United Nations, but the 2003 peace plan, although unanimously approved by the Security Council, had still not been adopted and the referendum on self-determination advocated in the Houston accords of 1997 had not been held. It was time for Security Council resolution 1754 (2007), which called upon the parties to the conflict to enter into negotiations, to be implemented and for a just and lasting solution to be found to the conflict in Western Sahara.

35. **Mr. Rachkov** (Belarus) said that the history of Belarus was marked by an absence of conflicts resulting from religious or ethnic intolerance, as the Government had taken active steps to develop interfaith relationships on the basis of a policy ruled by the Constitution and the law on national minorities. The legislation enshrined the right of all people to use their mother tongue, to express themselves in the language of their choice and to decide on the languages in which their children would be brought up and educated. It also prohibited assaults on the dignity of national groups and asserted the equality of all of their members. The Representative for issues of religion and nationality monitored the observance of the relevant laws, and there were municipal- and regional-level departments also responsible for those matters.

36. The question of the dialogue between national groups was inseparable from that of the right of peoples to self-determination and the inter-ethnic dialogue, and action aimed at enabling people to exercise their right to self-determination must reflect the diversity of political and socio-economic systems. The diversity of the routes to development must also be recognized as it constituted one of the foundations for maintenance of peace and stability. Respect for the national experience of each State, in the political, economic, religious and cultural arenas, was a guarantee for genuine dialogue between the religions and cultures of the world and, in more general terms, between civilizations.

37. **Mr. Goltiyaev** (Russian Federation) stressed that despite the numerous international instruments and conferences, the international community had not succeeded in overcoming racism, racial discrimination, xenophobia and related intolerance or even in lessening them. His country was alarmed at the rise in xenophobia and race-based violence, which were phenomena unconstrained by borders, related to globalization and particularly difficult to combat when intolerance and hatred took root in everyday life. That was something that could be observed in several countries, some of which set themselves up as models in the area of respect for human rights. To bring an end to such scourges, civil society, States and the international community must combine their efforts so as to enlighten future generations. It was regrettable that intolerance was used in some quarters for political ends, thereby compromising democratic principles and human rights in a manner that was as unacceptable as the attitude of those who promoted categorization of persons or that of Governments which pursued policies that discriminated against national and ethnic minorities. In that connection, the Russian Federation endorsed the conclusions and recommendations in the most recent report of the Special Rapporteur.

38. One of the major difficulties of modern times was finding the right balance between freedom of expression and the fight against racist or xenophobic propaganda. It was unacceptable that the principle of freedom of expression should serve as a pretext for the promotion, spread and legitimization of racist ideologies: all States must conform to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Given the price that humanity had already paid, in particular in the Second World War, the attempts to revive ideologies based on the supremacy of one race over others were particularly alarming. The Russian Federation called on all States to treat neo-Nazism the same way that they treated Nazism.

39. Emphasizing that it supported the activities pursued by the United Nations to combat racism, the Russian delegation announced that it would be submitting a draft resolution during the current session similar to those that had been adopted in the past,

expressing the alarm that it felt at the growing efforts to promote neo-Nazism. In the view of the Russian Federation, the international community should strongly oppose that phenomenon.

40. The Russian Federation was participating actively in the preparations for the Durban Review Conference, and called on all States to focus their efforts on strengthening the universal regime for combating racism, xenophobia and related intolerance; it hoped that the Conference would cover not only the implementation of the programmes adopted in Durban but also the issues and phenomena that had emerged since then. Expressing satisfaction at the outcome of the first session of the Preparatory Committee for the Durban Review Conference, the Russian Federation hoped that the decisions taken by consensus would be implemented without delay.

41. **Mr. Ritter** (Liechtenstein) said that the right of peoples to self-determination, if applied in a meaningful and innovative way, could be a tool for the promotion and protection of human rights and for conflict prevention. His country had long supported new approaches to that right and had repeatedly advocated a comprehensive discussion of the concept of self-determination. Such approaches were based on the fact, recognized in General Assembly resolution 2625 (XXV), that exercise of the right to self-determination was not confined to attaining independence and that, when viewed more broadly as entailing various forms of self-administration and self-governance, that right could offer new prospects for peaceful coexistence falling short of secession and independent statehood. Application of the right to self-determination should not be restricted to the context of decolonization or the situation of peoples under foreign occupation, but pertained to all peoples, as stated in common article 1 of the two International Covenants on human rights. His delegation was pleased therefore that the recently adopted United Nations Declaration on the Rights of Indigenous Peoples contained provisions on self-determination; that marked a new step in the Organization's approach to the concept of self-determination, by broadening the scope of situations in which the right to self-determination was applicable. The Declaration also introduced the right of indigenous peoples to autonomy or self-government in internal and local affairs as a way of exercising their right to self-determination, thereby going beyond the exclusive and too-narrow focus on independent statehood; it showed that the right could be applied to address the desire of many peoples to express their distinctiveness and to create an environment conducive to their enjoyment of human rights, without resorting to violence and posing a threat to territorial integrity. Lastly, the fact that, in keeping with a modern interpretation, the right to self-determination must be applied with due regard for the specific features of each people and that a specific solution was required for each situation should not be considered a weakness but rather a strength of the broader concept, since it allowed for tailored solutions.

42. **Mr. Islam** (Bangladesh) said that his delegation subscribed to the statement made by the representative of Pakistan and supported the recommendations and conclusions set out in the report of the Special Rapporteur. Bangladesh was deeply concerned about the regression in the struggle against racism and racial discrimination, which was linked to the growing political acceptance and democratic legitimization of racism and xenophobia, by virtue of their use as political, intellectual and media platforms, increased racism on the part of elites, the resurgence of racist violence and the rise in historical revisionism. All those trends posed a serious threat to democracy and human rights. Noting that the legitimization of racism and xenophobia stirred up racial and religious hatred and that defamation of religion was also on the rise, he stressed that States had a responsibility to protect their citizens, particularly minorities and vulnerable groups, against such hatred, which could be overcome through proper education aimed at inculcating a culture of peace. Hate crimes must not go unpunished and national laws must be reinforced and made compatible with the relevant international instruments. Civil society and the media also had a significant role to play in combating racism, which could not be successful without the concerted efforts of the international community.

43. The Constitution of Bangladesh prohibited discrimination against its citizens, guaranteed their equality before the law and equal opportunity for all and provided for affirmative action for particularly disadvantaged groups. Bangladesh was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and remained fully committed to upholding its principles. Interreligious and intercultural dialogue could play a major role in promoting reciprocal understanding among various

religions, beliefs and cultures. As a result of the relentless efforts made by Bangladesh, the majority of its people were able to enjoy their rights and fundamental freedoms, but new forms of racism and intolerance were currently threatening those achievements and migrants and asylum-seekers often faced severe discrimination. The international community must protect the rights of migrant workers and ensure that their cultural and religious identity was respected and that their ability to enrich national cultures was recognized. Lastly, he called on Member States to reaffirm their commitment to the full implementation of the Durban Declaration and Programme of Action and said that his delegation looked forward to the Durban Review Conference to be held in 2009.

44. **Mr. Nikookarf** (Islamic Republic of Iran) noted with concern that, despite numerous resolutions adopted by the Human Rights Council calling for an end to the systematic violations of human rights and international humanitarian law in the Occupied Palestinian Territory, Israel was more relentlessly than ever pursuing its policy of abusive practices, military action against civilian targets, enclosure, arbitrary arrest, settlement building and construction of the wall, denying the Palestinian people's irrefutable right to self-determination.

45. **Ms. Hoosen** (South Africa), stressing the internationally recognized principle of self-determination, expressed concern about the volatile situation and the humanitarian crisis in the Occupied Palestinian Territory, particularly in Gaza. Her delegation was also concerned that the Israeli authorities were continuing to impose severe restrictions on the Palestinians' freedom of movement and were persisting in illegally building settlements, erecting the separation wall, arbitrarily arresting Palestinians, including women and children, and ill-treating prisoners.

46. South Africa deplored the Quartet's selective approach to negotiations, which was especially unfortunate in that it served to undermine the unity of the Palestinian people and hamper any settlement of the Middle East conflict, without which there could be no creation of a Palestinian State. The Quartet had failed to take into account the human rights situation in the Occupied Palestinian Territory and the positions taken by many Member States on the matter. The United Nations, as a member of the Quartet, should more strongly articulate and represent the will of the international community and act more effectively to uphold the Palestinian people's right to self-determination. She called on the Israeli Government and the Palestinian Authority to negotiate a peaceful settlement providing for two States and reaffirmed her country's unwavering support for the Palestinian people and its desire to see an independent Palestine, with East Jerusalem as its capital, living side by side with Israel within secure and internationally recognized borders.

47. *Mr. Ashiki (Japan), Vice-Chairman, took the Chair.*

48. **Ms. Aziz** (Pakistan) recalled that the right to self-determination was enshrined in the Charter of the United Nations and in other international instruments and reaffirmed by many bodies; that it should be exercised freely, which was impossible in cases of foreign occupation; and that those who struggled to uphold that right must not be equated with terrorists. While it was exercised in a large part of the world, it continued to be denied in the Palestinian territories and in Jammu and Kashmir, which had been under occupation for 60 years, despite numerous calls by the United Nations for their accession to statehood through the democratic means of a free and impartial plebiscite. As a champion of self-determination, which had enabled it to gain independence, Pakistan considered that the people of Jammu and Kashmir should be able to exercise that right, just like the peoples of Timor-Leste and Montenegro.

49. Concerned about the human rights situation in Indian-occupied Kashmir, where serious violations, extrajudicial executions and arbitrary arrests occurred, her Government welcomed the recent decision of the Indian Government to withdraw its forces from schools, hospitals and other public places. It was determined to pursue confidence-building measures and composite dialogue with India, but more needed to be done to strengthen interaction between Kashmiri on both sides by opening new communication channels and encouraging contacts between the two communities. In a bid to find a durable solution to the Jammu and Kashmir issue, the President of Pakistan had put forward a number of creative ideas, including demilitarization, self-governance and joint management. What was needed was statesmanship, courage and flexibility on all sides.

50. **Ms. Cabral** (Brazil) said that, in the framework of its national social and economic development process, the Brazilian Government had adopted legal instruments and strengthened its institutions with a view to combating racism, racial discrimination and related intolerance. Brazil was a multicultural and multi-ethnic country with a large Afro-descendent population, where the struggle against racism and intolerance was deeply rooted in society and was an integral part of democratization and social integration policies. The Special Secretariat for the Promotion of Racial Equality, established in 2003, coordinated affirmative-action policies designed to give the Afro-descendent population an edge in the labour market and in education, the aim being to promote their social mobility and foster their integration into society.

51. Brazil applied a proactive policy for the preservation and promotion of its Afro-Brazilian and African historical and cultural heritage through, inter alia, school programmes. The Government was carrying out a set of initiatives aimed at eliminating discriminatory practices in the public and private sectors and was working to improve living conditions and promote self-esteem in traditional Afro-Brazilian communities such as the Quilombolas.

52. Brazil welcomed the commemoration of the two-hundredth anniversary of the abolition of the transatlantic slave trade, but underlined the need for vigilance and concerted action in the face of persistent prejudice of all sorts. More committed than ever to combating racism, racial discrimination and related intolerance, Brazil was participating actively in the preparatory process for the Durban Review Conference and would host the third Regional Conference of the Americas in 2008. Her delegation was hopeful that the Third Committee would carry out its work in a manner consistent with the decisions and recommendations adopted by consensus at the recent session of the Preparatory Committee for the Durban Review Conference.

53. **Ms. Nyamudeza** (Zimbabwe), affirming that her delegation aligned itself with the statements made by the representatives of Pakistan and the Southern African Development Community, said that her country noted with deep concern that racism persisted and indeed had become endemic in some countries. No culture, language or tradition was inferior to any other or deserving of being despised, mocked or destroyed. Zimbabwe, which had known the bitter experience of slavery, colonialism and racism and would probably continue to struggle with their effects for a considerable time to come, was convinced that the international community must unite against racist behaviours. She also noted with concern the relationship that existed between underdevelopment, marginalization, social exclusion, and poverty on the one hand and racism, oppression and related intolerance on the other; globalization had made that relationship all the more apparent. The international community had recognized that poverty was not a natural human condition, but a product of human activity. It must therefore muster the political will to fight poverty and attain development for all in order to ensure peace.

54. Zimbabwe was deeply concerned to hear the rhetoric and posturing by the delegations of the European Union, the United States of America and Canada, Australia and New Zealand, which attacked some countries, yet were failing dismally to address racism in their own territories. Non-Europeans, particularly Africans, were the targets of both subtle and violent forms of racism, such as police brutality and lynching by neo-Nazi groups, not to mention the media attacks on those who dared publicly to denounce racism and the indifference of the authorities. Migrant workers and members of their families also suffered discrimination and were subject to physical and psychological abuse. The case of the "Jena Six" in Louisiana and the recent incident at Columbia University were ironic and sad signs that there remained two different standards of justice in the country that was the self-proclaimed "citadel of the world". The Hurricane Katrina disaster had already shown the dire reality facing African-Americans and other minority groups in the United States: of the more than 300,000 people who could not be evacuated, the vast majority had been blacks. Moreover, more than half of the 2 million inmates incarcerated in United States jails were black, which confirmed the racial dimension of the anti-crime rhetoric of United States authorities. It was to be hoped that future reports of the Special Rapporteur would reveal such manifestations of racism. Discrimination and racism also persisted in Canada, where blacks had been refused entry on the basis of race and ethnicity and aboriginal Canadians were denied the right to vote. As for Australia, the Zimbabwean delegation noted that on 3 October 2007 the Australian Minister for Immigration had given voice to his country's non-preference for dark-skinned

refugees. The treatment of aborigines in Australia and Maoris in New Zealand were also forms of racism.

55. Zimbabwe deplored the lack of political will in those countries and others with respect to the follow-up to the Durban Conference and urged those countries to guarantee the principle of co-integration and to see that the anti-discrimination provisions in their constitutions and legislation were respected. Referring to the working group set up in Durban to study the problems of people of African descent in the diaspora and to report to the Human Rights Council, she said that her delegation was concerned that the Committee had not been able to carry out its mandate owing to inadequate resources, and requested that funds should be made available to the Special Rapporteur and to the Committee to enable them to visit the bastions of racism. The international community must commit itself to the promotion of a culture of harmony and peace based on the equal dignity and worth of all human beings and on justice and tolerance among peoples.

56. **Mr. Bouchaara** (Morocco), noting that his country associated itself with the statement made by the representative of Pakistan, underscored the danger associated with the emergence of a new discourse that legitimized intolerance and used it for social and political ends at a time when humankind was sorely in need of the mutual enrichment of civilizations. His delegation hoped that the international community would demonstrate real willingness to work together for peace, development and human rights, committing itself to greater and more effective multilateral action in order to address manifestations of racism and their repercussions. Morocco had always firmly rejected defamation of religions and incitement to racial and religious hatred and would continue to advocate greater rapprochement, without any attempt to bring about political or ideological fusion, as was evidenced by the secular coexistence of the three monotheistic religions in its territory and by its international commitments, including its participation in the interfaith meeting in Brussels and the World Congress of Imams and Rabbis for Peace in 2005 and 2006, its active involvement in the Tripartite Forum on Interfaith Cooperation for Peace and the proposal by the King of Morocco for an interfaith dialogue leading to the development of an ethical charter among the three monotheistic religions.

57. His delegation wished to express its indignation at the use of science to assert, on pseudo-scientific grounds, the superiority of one race over another. The aim underlying that insult to human intelligence was clearly only to foment misunderstanding, hatred and intolerance of differences.

58. Morocco was convinced that the Durban Review Conference would make an important contribution to the universal quest on which the United Nations was founded and hoped that it would yield a true assessment of the problems posed by contemporary forms of racism, racial discrimination, xenophobia and related intolerance. It was essential also to assess the correlation between, on the one hand, freedom of opinion and expression, to which Morocco was firmly committed, and, on the other, the various forms of religious, racial and ethnic hatred, which it unequivocally condemned. Morocco had taken a number of measures in recent years to ensure respect for the rights of all citizens, irrespective of religion, language or sex, including revising its Criminal Code and Family Code, which established the principle of equality of all before the law; setting up administrative tribunals to enforce respect for that principle; and adopting a law that imposed heavy penalties for discriminatory practices.

59. Educational activities were needed to complement measures taken at the national and international levels. Everyone, including those who were victims, must join in combating racism, which called both for suppression and for education aimed at raising public awareness, especially among future generations, in order to foster equality and acceptance of others. The supposed clash of cultures was in reality a clash of mutual ignorance, and it was high time to come to a meeting of the minds and promote respect for and the expression of diversity.

60. *Mr. Wolfe (Jamaica), resumed the Chair.*

61. **Mr. Martirosyan** (Armenia), recalling that the international community's unambiguous stance on the principles of self-determination, territorial integrity and others had been confirmed during the cold war period with the adoption of the Helsinki Final Act in 1975, pointed out that people exercised their right to self-determination at various levels and that the ultimate manifestation of that right was the right to declare, or to reject, secession and independence. There appeared to be two kinds of self-determination movement in the modern era. In some cases, the process of self-determination might take place in a

civilized and tolerant environment, with, at the end of that process, a majority either choosing or rejecting autonomy. In such cases, it was acknowledged that the fundamental rights of the collective deserved the same respect as those of the individual. In other cases, in contrast, the human rights of the group involved were not respected. Indeed, it could even be said that the countries of the Western world were extremely solicitous of the rights of each citizen, but out of fear of a conflict of a different nature, the rights of the group were ignored in the hope of quelling any territorial or sovereignty claims. The very notion of sovereignty had emerged from the responsibility of States towards their own citizens. Governments that discriminated against and persecuted certain groups within their population could not claim the right to govern them. It would be naive to believe that an oppressed people could be convinced to consent to be ruled by a government that viewed democracy, protection of human rights and the rule of law as favours rather than duties. Armenia strongly believed that the free expression of the will of a people was the most effective and democratic means of giving that people the opportunity to make their own choice and to decide on their future. The situation in the Balkans, the Caucasus and elsewhere had proved that any other kind of solution offered neither stability nor security.

62. **Ms. González Navarro** (Cuba), associating herself with the statement made by the representative of Pakistan, said that the Special Rapporteur had highlighted in his report the alarming signs of a retreat in the struggle against racism and xenophobia, as evidenced by a resurgence of racist xenophobic violence and a growing number of acts of violence and murders targeting members of ethnic, cultural and religious communities. He had also drawn attention to the equally alarming ability of political parties advocating racist and xenophobic platforms to apply those platforms through government alliances. There was also a discernible decline in political will on the part of the Governments of certain industrialized nations to combat racism and discrimination, as well as a global tendency to legitimize discriminatory immigration policies and laws and enact counter-terrorism legislation that gave free rein to arbitrariness and an exercise of public authority based on discriminatory, racist and xenophobic principles. Convinced that democracy, human rights and freedoms could not coexist with racism, racial discrimination and xenophobia, Cuba reiterated its call for immediate implementation of the outcome of the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

63. With regard to the right of peoples to self-determination, Cuba had itself endured several centuries of colonialism as well as foreign occupation and neocolonial domination and thus embraced the cause of peoples whose right to self-determination continued to be denied. The right to self-determination of peoples was currently under serious threat, especially in the South, since the hegemonic Power continued to refuse to respect the right of peoples and to surrender the unilateral right it had claimed to launch preventive military strikes on any country. For more than 50 years, Cuba's right to self-determination had been subject to serious violations committed by — or with the complicity of — the hegemonic Power, which harboured in its territory terrorist organizations that targeted Cuba. While the rest of the international community rejected its hostile policy towards Cuba, the hegemonic power continued to plan and apply measures aimed at destroying the political, economic and social regime that the Cuban people had chosen for itself.

64. The realization of the right of peoples to self-determination was a prerequisite for the realization of the full panoply of human rights. Cuba demanded an immediate withdrawal of Israeli forces from all occupied Arab territories, including Palestine and the Syrian Golan, as well as full respect for the inalienable right of the Palestinian people to establish an independent and sovereign State. Cuba also supported the right of the people of Puerto Rico to self-determination and hoped that they could join the community of nations freed from the yoke of colonialism.

65. **Ms. Medal** (Nicaragua), aligning herself with the statement made by the representative of Pakistan, said that she was concerned at the increasing number of racist and xenophobic comments made by politicians, intellectuals and journalists with regard to immigrants in developed countries. She urged vigilance against the racist platforms advocated by some political parties in the name of national security and their deliberate failure to recognize the fundamental rights of migrants and their contribution to the national economy. Nicaragua believed that host countries had a vested interest involving immigrants in decision-making and in promoting intercultural and interreligious dialogue.

66. A multicultural and multi-ethnic country, Nicaragua was committed to promoting respect for the fundamental rights and freedoms of its population irrespective of race, sex, language or religion. Measures had been implemented to empower women and tackle gender discrimination in the political, economic and social spheres. Her Government was similarly proactive with regard to Nicaragua's indigenous communities, whose fundamental rights were enshrined in the Constitution and whose political, economic, social and cultural rights were guaranteed in various legal instruments. Mechanisms had been established to monitor the application of national and international human rights norms and the rights of indigenous people. Bilingual education had been introduced in schools in order to protect the cultural and linguistic identity of indigenous peoples, which constituted a valuable world heritage.

67. Much remained to be done, but Nicaragua reaffirmed its political will not to tolerate any form of discrimination against indigenous peoples. It also reaffirmed its commitment to the implementation of the Durban Declaration and Programme of Action and was actively involved in preparations for the 2009 Conference.

68. **Ms. Radu** (Moldova), citing the Charter of the United Nations and the Vienna Declaration, recalled that the principle of self-determination did not amount to a general right of secession. Self-determination was an internationally recognized principle, but secession was considered a domestic issue that each State must assess individually. Influential decisions and documents on self-determination and various examples of State practice unanimously acknowledged that a successful claim to self-determination must show that: (a) the secessionists were a "people"; (b) the State from which they were seceding was seriously violating their human rights; and (c) there were no other effective remedies under domestic or international law.

69. In the case of Transnistria, none of those conditions had been satisfied. In recent State practice, the term "people" had generally been used to refer to an ethnic group or a "nation" in the classic, ethnographic sense of the word. A simple analysis of the ethnic composition of the Transnistria region showed that it was no different from the rest of Moldova. However, there were those who suggested that the term should mean something else, such as a group with common goals and norms. While the concept of self-determination might evolve in such a way that a "people" could be defined as merely a like-minded group, her delegation did not find that current State practice supported such a proposition. With regard to serious violations of human rights, the argument of the Transnistrians could be organized into three main categories: (a) violations of linguistic, cultural and political rights; (b) the brutality of the 1992 war; and (c) the denial of economic rights. Taking into account the significant changes in Moldova since 1992, none of those claims was currently convincing.

70. The Republic of Moldova was fully committed to respect for human rights. A multi-ethnic society, it had enriched itself by protecting, promoting and giving free rein to the expression of the ethnic, cultural, religious and linguistic identities of all its constituent communities. By implementing international human rights instruments, including those elaborated by the Council of Europe, it had established a solid national legislative basis. However, the human rights situation in the Transnistrian region left much to be desired. The economic rights claim, which essentially concerned the allocation of tax revenues, did not lead to a legal right to dismember a State; the argument was really about policy, not the form of a polity.

71. Human rights were not violated in Moldova, even though the road to a modern and fully democratic State was fraught with pitfalls. Nor was the second condition pertaining to the assertion of a right to self-determination met. With respect to the third condition, the conflict had remained at an impasse not because there were no options other than secession under domestic and international law, but because the separatists had chosen to make the dispute seem intractable by repeatedly refusing any options short of effective sovereignty for Transnistria, and had even claimed that separation was necessary in order to avoid ethnic conflict and possibly genocide.

72. It must thus be concluded that there was no solid basis for a claim of secession under external self-determination, the most basic requirements for a legal claim not having been met.

73. **Mr. Bouchaara** (Morocco), speaking in exercise of the right of reply to the statement made by the representation of Algeria on the issue of self-determination, said that Algeria did not have the right to give lessons in international morality on the issue by drawing unacceptable and truly scandalous parallels

between the just cause of the Palestinian people and the dispute over Western Sahara. Algeria was not the only nation to have emerged from a process of decolonization and Morocco had supported it during its fight for independence. That Algeria should now tearfully advocate for the self-determination of Western Sahara, when it had itself proposed partition of the territory, was an example of pure cynicism. It had been his delegation's understanding that Algeria had observer status in the dispute and that it was participating in the Manhasset talks in that capacity. From the statement made by its representative, it seemed that Algeria had a strange interpretation of the concept of observation. It was Morocco's hope that Algeria would distance itself from outmoded propositions and live more in the present. He recalled, in that connection, that in its resolution 1783 (2007) of 31 October, the Security Council had welcomed serious and credible Moroccan efforts to move the process forward towards resolution and had reaffirmed its support for the negotiations under way. The time had therefore come not for controversy, but for negotiation, and Morocco reiterated its strong support for the efforts of the Secretary-General and the Security Council. Morocco also recalled the provisions of the third preambular paragraph of the resolution on the question of Western Sahara recently adopted by the Fourth Committee (A/C.4/62/L.3), which Algeria had initiated and which had been accepted by both Morocco and Algeria. Lastly, he called on Algeria to act responsibly, to remain within the limits of its observer status in the dispute and to support the negotiation process under way instead of hindering it.

The meeting rose at 6.10 p.m.